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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,679

Applicant(s)

BEGEJA ET AL.

Examiner

Farzana E. Hossain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9-30,32-47,50 and 51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-6,9-30,32-47,50, 51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 09-18-06 2-17-05
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This office action is in response to communications filed 08-24-06. Claims 1, 9, 21, 25, 26, 32, 33, 46 are amended. Claims 2-6, 10-20, 22-24, 27-30, 34-45, 47, 50, 51 are original. Claims 7, 8, 31, 48, 49 are cancelled.

Response to Arguments

2. Applicant's arguments filed 08-24-06 have been fully considered but they are not persuasive.

The applicant states that the "Office Action states Bergen and Menard are silent on periodically sending data or notification signal" (Page 14). The examiner agrees with this statement. The applicant however amends Claim 1 with "notifying the user that the customized video presentation is available for access from a remote location." The examiner would like to point out that periodically sending notification signal is not the same as sending a notification or alert signal. Menard discloses notifying the user that the customized video presentation is available for access from a remote location (Column 3, lines 15-59, Column 5, lines 28-36).

Claims 21 and 33 were amended to add a claim limitation similar to the newly added limitation of Claim 1. See above response to Claim 1 arguments for Claims 21 and 33.

3. The applicant argues for Claim 46 that Maybury, Menard, Omoigui and Ellis (with incorporated by reference McKissick) do not disclose, "the clip pointers are identified to the user according to a predetermined schedule" (Pages 15-18). The applicant further argues that Omoigui and Ellis (with incorporated McKissick) do not identify clip pointers based on text associated with video inputs, beginning and end portions of video clips within the video inputs (Pages 16-17).

First of all, the order of the claim limitations has changed causing claim 46 to be rejected under 103 over Maybury in view of Omoigui and Ellis (with incorporated by reference McKissick).

In response to the arguments, Maybury discloses identify clip pointers based on text associated with video inputs, beginning and end portions of video clips within the video inputs (Column 16, lines 48-57). Omoigui and Ellis (with incorporated McKissick) are not combined with Maybury to show that the clip pointers are identified to the user according a predetermined schedule. Omoigui discloses that clips pointers are identified to the user for a program or segment (Page 4, paragraph 0044, Page 5, paragraph 0054, 0059) and that notification requests can be made but does not explicitly state the predetermined schedule. McKissick discloses that the user is notified via a predetermined schedule of the availability of a program and the notification can identify a clip pointer or start of the program (Figure 19, Figure 20, Figure 23) or notifications

are sent to the user on a predetermined schedule. McKissick discloses the clip pointer or start of pointer when McKissick generates notification of one hour before showing or one day or minute before showing (Figures 18B-20, Figure 23). Also, Omoigui and Maybury both identify the clip pointers to the user.

4. The applicant argues for Claims 11 and 26 that Maybury does not disclose searching a video asset based on text corresponding to an audio portion associated with the video asset (Pages 17-18). Maybury discloses that the speech transcription and closed caption preprocessing are used to perform a correlation process for story segmentation (Column 5, lines 46-67, Column 6, lines 1-3) and the text is used to search the story and text is based on audio (Column 6, lines 40-67, Column 7, lines 1-2, 14-26).

Information Disclosure Statement

5. The information disclosure statement filed 2-17-05 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Page 1 of the IDS filed 2-17-05 has been considered. Page 2 of the IDS cites NPL documents including "Choosing Your Next Handheld", "Getting Started with VoiceXML 2.0" and "Windows Media Player 7 Multimedia File Formats web page" which

have not been considered, as copies have not been provided. Please also check website addresses for the NPL as well as dates.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 6, 7, 16, 18-21, 24, 25, 27-29, 32, 33, 37, 39, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergen et al (US 6,956,573 and hereafter referred to as "Bergen") in view of Menard et al (US 6,810,526 and hereafter referred to as "Menard").

Regarding Claim 1, Bergen discloses a method for delivering a customized video presentation to a user (Figure 8, 870), the method comprising: searching, based on a user search criterion or keywords (Figure 8, 805, 810, Column 10, lines 37-40), at least one video or video asset to identify the subset of the video asset containing portions corresponding to the user criterion or identifying segments of the video corresponding to the user search (Figure 1, 125), calculating or determining segments of the video (Figure 1, 130, Figure 8, 850), accessing the segments within the video asset to thereby form the customized video presentation (Column 10, lines 31-53, Column 15, lines 15, lines 58-67, Column 15, lines 1-6, Figure 8, 870). Bergen is silent on the segments

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comprising corresponding portions and portions adjacent to the corresponding portions are relevant to the corresponding portions and the user criterion; notifying the user that the customized video presentation is available for access from a remote location (Column 5, lines 28-36). Menard discloses that a search engine determines a match for a segment in a video to a search initiated by a user (Figure 2, 21, Column 4, lines 28-40) and that the segment of the video has corresponding portions and portions adjacent to the corresponding portions or previous and following sections of a segment in a video, where the adjacent portions are relevant to the corresponding portions and the user criterion or search (Column 5, lines 20-35). Therefore, it would have been obvious to one of ordinary skill in the art to modify Bergen to include the segment of the video has corresponding portions and portions adjacent to the corresponding portions, where the adjacent portions are relevant to the corresponding portions and the user criterion or search (Column 3, lines 15-59, Column 5, lines 28-36) notifying the user that the customized video presentation is available for access from a remote location (Column 5, lines 28-36) as taught by Menard in order to for the viewer to receive all relevant segments applicable to the user criterion or search.

Regarding Claim 21, Bergen discloses a system of delivering customized video presentation comprising video clips or segments to a user (Figure 8, 870) comprising: a video capture device or segmentor (Figure 1, 122) operable to receive a video input or video signal (Figure 1, S1); a video database or video information database (Figure 1, 125) operable to store the plurality of video input or video signal and text associated with the video inputs (Column 7, lines 44-54, Figure 1, 125, 140), an access engine

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operable to search the video signal or video signals within the video information database in accordance to a user criterion and based on the text or textual search query (Column 4, lines 43-50, Column 10, lines 35-51, Figure 8, 805, Column 15, lines 1-3), to extract the video clips corresponding the text search (Figure 8, 860) and combining the clips into a customized video presentations (Figure 8, 870) to be made available for delivery to the user in whole (Figure 8, 870). Bergen is silent on the video server determining a length of each video clip by including only portions corresponding to the user criteria and surrounding portions that relate to the corresponding portions and wherein the video server notifies the user when the customized video presentation is available for access from a remote location. Menard discloses a video capture card (Figure 2, 15) receiving video signals from a broadcast receiver (Figure 1, 5) which receives signals from plurality of program sources (Figure 1, 1, 2, 3), a server engine that receives the plurality of video inputs and text via a closed caption decoder (Figure 2, 12, 18), a search engine determines a match for a segment in a video to a search initiated by a user (Figure 2, 21, Column 4, lines 28-40), a video server (Figure 1, 4, Figure 2, 4) determining a length of each video clip or segment by including only portions corresponding to the user criteria (Figure 2, 21) and surrounding portions that relate to the corresponding portions, where the surrounding portions are previous and following sections of a scene (Column 5, lines 20-35); wherein the video server notifies the user when the customized video presentation is available for access from a remote location (Column 3, lines 15-59, Column 5, lines 28-36). Therefore, it would have been obvious to one of ordinary skill in the art to modify Bergen to include a video server

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(Figure 1, 4, Figure 2, 4) determining a length of each video clip or segment by including only portions corresponding to the user criteria (Figure 2, 21) and surrounding portions that relate to the corresponding portions, where the surrounding portions are previous and following sections of a scene (Column 5, lines 20-35) and wherein the video server notifies the user when the customized video presentation is available for access from a remote location (Column 3, lines 15-59, Column 5, lines 28-36) as taught by Menard in order to for the viewer to receive all relevant segments applicable to the user criterion or search.

Regarding Claim 33, Bergen discloses a system (Figure 1, 170-1) for receiving a customized video show (Figure 8, 870). Bergen discloses that a user specifies that query by inputting information for a customized video show (Column 14, lines 66-67, Column 15, lines 1-8) includes software (Column 21, lines 43-54) to be executed by the user device or a software client, which allows the user to search keywords (Figure 1, 170-1). Bergen discloses comprising an interface for interacting with the software client to input a user search criterion (Figure 1, 172, Column 4, lines 43-46), thereby providing search parameters or a text search to the access engine for searching the video information database for video signals (Column 4, lines 43-50, Column 10, lines 35-51, Figure 8, 805, Column 15, lines 1-3), accessing the video input that comprise the video show (Column 10, lines 31-53, Column 15, lines 58-67, Column 16, lines 1-6, Figure 8, 870), and the user selects, via the software client, the video show for viewing (Column 10, lines 31-53, Column 15, lines 58-67, Column 15, lines 1-6, Figure 8, 870). Menard discloses a system receiving a customized video show (Column 3, lines 15-59), the user

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device is personal computer (PC) which allows the user to search over the Internet, which inherently includes a software client as the user can search via inputs for a customized program from several inputs (Column 3, lines 15-59), and the software client receives at least one notification that the customized video presentation is available for access from a remote location (Column 3, lines 15-59, Column 5, lines 20-35). Therefore, it would have been obvious to one of ordinary skill in the art to modify Bergen to include the software client receives at least one notification that the customized video presentation is available for access from a remote location (Column 3, lines 15-59, Column 5, lines 28-36) as taught by Menard in order to for the viewer to receive all relevant segments applicable to the user criterion or search.

Regarding Claim 6, Bergen and Menard disclose all the limitations of Claim 1. Bergen discloses the user criterion includes search terms or keywords input by the user (Column 10, lines 1-3).

Regarding Claim 16 and 32, Bergen and Menard disclose all the limitations of Claims 1 and 21 respectively. Menard discloses the video segment or segments are downloaded to the user's personal computer (Column 3, lines 15-17).

Regarding Claims 18 and 29, Bergen and Menard disclose all the limitations of Claims 1 and 21 respectively. Bergen discloses the customized video presentation is delivered to the user's television via set top terminal and the customized video presentation is displayed on a television (Column 21, lines 30-33).

Regarding Claim 19, Bergen and Menard disclose all the limitations of Claim 1. Menard discloses that the searching is performed on a plurality of video assets of different program sources (Figure 1, 1, 2, 3).

Regarding Claim 20, Bergen and Menard disclose all the limitations of Claim 1. Bergen discloses the video asset is a video signal or video stream (Figure 1, S1).

Regarding Claim 24, Bergen and Menard disclose all the limitations of Claim 21. Bergen discloses a video server that is accessed a multimedia delivery client or access engine (Figure 1, 125). Menard discloses that the multimedia delivery server or the search server (Figure 2, 4) interfaces with the video server (Figure 2, 8) and a profile database or memory (Figure 2, 20).

Regarding Claim 25, Bergen and Menard disclose all the limitations of Claim 24. Menard discloses a search profile in memory (Figure 2, 20), which continually searches for segments based on searches requested by users (Column 4, lines 41-56).

Regarding Claim 27, Bergen and Menard disclose all the limitations of Claim 21. Menard disclose that the text is closed captioning text associated with the video (Column 2, lines 45-60).

Regarding Claim 28, Bergen and Menard disclose all the limitations of Claim 21. Bergen discloses that segment or the length of a segment is determined by the attributes in a particular segment such as geographic location, camera angle, particular scenes, textual descriptions, which reads on multimodal story segmentation algorithms (Column 10, lines 6-52).

Regarding Claim 37, Bergen and Menard disclose all the limitations of Claim 33. Bergen discloses the user device is a set top terminal attached to a television (Column 21, lines 30-33).

Regarding Claim 39, Bergen and Menard disclose all the limitations of Claim 33. Menard discloses that a search engine determines a match for a segment in a video to a search initiated by a user (Figure 2, 21, Column 4, lines 28-40). Menard discloses that the user uses a personal computer (PC) and is a client of the search server, who makes a connection over the Internet (Column 3, lines 15-20). It is necessarily included that a software client is interfaced on the PC to connect to the server via the Internet in order to search. Menard discloses that the customized program or segment matching the inquiry is downloaded and stored in the PC (Column 3, lines 53-59).

Regarding Claim 41, Bergen and Menard disclose all the limitations of Claim 33. Bergen and Maybury are silent on the search criterion being a predetermined user profile. Menard discloses that a search engine determines a match for a segment in a video to a search initiated by a user (Figure 2, 21, Column 4, lines 28-40). Menard discloses that search engine has user profiles with past searches being stored in the profile and the search engine searching videos for matches (Column 4, lines 26-45).

8. Claim 2-5, 10-15, 22, 26, 34-36, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergen in view of Menard as applied to claims 1, 21 and 33 above, and further in view of Maybury et al (US 6,961,954 and hereafter referred to as "Maybury").

Regarding Claim 2, Bergen and Menard disclose all the limitations of Claim 1. Bergen discloses requesting via a keyword search or query (Figure 8, 805) to the access engine which searches the database storing the video segments of a video signal (Figure 8, 820). Bergen and Menard are silent on designating pointers that identify the beginning and end portions of the segments with the particular query. Maybury discloses providing a customized video presentation to a user (Figure 17, Figure 18), comprising identifying, in response to a request from the user, clip pointers that identify based on the text associated with video inputs (Column 16, lines 48-57, Figure 22), beginning and end portions of video clips within video inputs or videos or that each video identifies the beginning and end portions of a story segment (Column 9, lines 62-67, Column 10, lines 1-4, Column 17, lines 8-19). Therefore, it would have been obvious to one of ordinary skill in the art to modify Bergen in view of Menard to include clip pointers that identify based on the text associated with video inputs (Column 16, lines 48-57), beginning and end portions of video clips within video inputs or videos or that each video identifies the beginning and end portions of a story segment (Column 9, lines 62-67, Column 10, lines 1-4, Column 17, lines 8-19) as taught by Maybury in order to perform searching of video using popular browsing tools to enable more timely and efficient communication and storage of multimedia data (Column 2, lines 42-54) as disclosed by Maybury.

Regarding Claim 3, Bergen, Menard and Maybury disclose all the limitations of Claim 2. Bergen and Menard are silent on designating pointers that identify the beginning and end portions of the segments with the particular query. Maybury

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discloses providing a customized video presentation to a user (Figure 17, Figure 18), comprising identifying, in response to a request from the user, clip pointers that identify based on the text associated with video inputs (Column 16, lines 48-57), beginning and end portions of video clips within video inputs or videos or that each video identifies the beginning and end portions of a story segment (Column 9, lines 62-67, Column 10, lines 1-4, Column 17, lines 8-19), making the clip pointers available to the user or making beginning pointers to the clips available to the user (Figure 20), and the user can select a video clip for viewing (Figure 17-20). Maybury discloses that each story segment has duration of the segment sent to the viewer (Figure 19). It is inherent for Maybury to include the end pointer which identifies the end of clip is made available to the user as the duration of a clip (Figure 19) and a beginning of the clip (Figure 20) is made available to the user so as to allow the user to manipulate between segments or negotiate between clips that have been found due to a text search (Figure 1, Figure 17, Figure 18).

Regarding Claims 4 and 23, Bergen, Menard and Maybury disclose all the limitations of Claims 3 and 22 respectively. Maybury discloses that a video clip or segment corresponding to the clip pointer is streamed to the user upon selection (Column 17, lines 16-19).

Regarding Claim 5, Bergen, Menard and Maybury disclose all the limitations of Claim 3. Maybury discloses that the segments are combined for continuous delivery of the customized video presentation to the user (Column 10, lines 31-53, Column 15, lines 15, lines 58-67, Column 15, lines 1-6, Figure 8, 870).

Regarding Claim 10, Bergen and Menard disclose all the limitations of Claim 1. Bergen and Menard are silent on the user having the ability to negotiate among and between segments. Maybury discloses a system that receives video segments (Figure 1, 170). Maybury discloses that the viewer has a graphical user interface providing a plurality of scenes or segments that a user can select or negotiate among and between segments (Figure 17, Figure 18, Figure 19). Therefore, it would have been obvious to one of ordinary skill in the art to modify Bergen in view of Menard to include a plurality of scenes or segments that a user can select or negotiate among and between segments (Figure 17, Figure 18, Figure 19) as taught by Maybury in order to perform searching of video using popular browsing tools to enable more timely and efficient communication and storage of multimedia data (Column 2, lines 42-54) as disclosed by Maybury.

Regarding Claims 11 and 26, Bergen, Menard and Maybury disclose all the limitations of Claims 10 and 21 respectively. Maybury discloses that the searching of the video based on text is text corresponding to the audio or speech in the video (Figure 1, 117).

Regarding Claim 12, Bergen, Menard and Maybury disclose all the limitations of Claim 11. Menard disclose that the text is closed captioning text associated with the video (Column 2, lines 45-60).

Regarding Claim 13, Bergen, Menard and Maybury disclose all the limitations of Claim 11. Bergen discloses that the calculating of segments of the video is based on text (Column 4, lines 43-50, Column 10, lines 35-51, Figure 8, 805, Column 15, lines 1-3).

Regarding Claim 14, Bergen, Menard and Maybury disclose all the limitations of Claim 11. Bergen discloses that segment or the length of a segment is determined by the attributes in a particular segment such as geographic location, camera angle, particular scenes, textual descriptions, which reads on multimodal story segmentation algorithms (Column 10, lines 6-52).

Regarding Claim 15, Bergen and Menard disclose all the limitations of Claim 1. Bergen discloses that the customized video presentation (Column 10, lines 31-53, Column 15, lines 15, lines 58-67, Column 15, lines 1-6, Figure 8, 870) is delivered to the user over a network (Figure 1, 160). Bergen and Menard are silent on the streaming of the presentation. Maybury discloses a user selecting a video clip or segment and the streaming of the video to the user (Column 17, lines 16-19). Therefore, it would have been obvious to one of ordinary skill in the art to modify Bergen in view of Menard to include user selecting a video clip or segment and the streaming of the video to the user (Column 17, lines 16-19) as taught by Maybury in order to for the user to receive the video presentation as quickly as possible.

Regarding Claim 22, Bergen and Menard disclose all the limitations of Claim 21. Bergen and Menard are silent on designating pointers that identify the beginning and end portions of the segments with the particular query. Maybury discloses providing a customized video presentation to a user (Figure 17, Figure 18), comprising identifying, in response to a request from the user, clip pointers that identify based on the text associated with video inputs (Column 16, lines 48-57), beginning and end portions of video clips within video inputs or videos or that each video identifies the beginning and

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end portions of a story segment (Column 9, lines 62-67, Column 10, lines 1-4, Column 17, lines 8-19), making the clip pointers available to the user or making beginning pointers to the clips available to the user (Figure 20), and the user can select a video clip for viewing (Figure 17-20). Maybury discloses that each story segment has duration of the segment sent to the viewer (Figure 19). It is inherent that Maybury includes the end pointer which identifies the end of clip is made available to the user as the duration of a clip (Figure 19) and a beginning of the clip (Figure 20) is made available to the user so as to allow the user to manipulate between segments or negotiate between clips that have been found due to a text search (Figure 1, Figure 17, Figure 18). Therefore, it would have been obvious to one of ordinary skill in the art to modify Bergen in view of Menard to include beginning and end portions of video clips within video inputs or videos or that each video identifies the beginning and end portions of a story segment (Column 9, lines 62-67, Column 10, lines 1-4, Column 17, lines 8-19), making the clip pointers available to the user or making beginning pointers to the clips available to the user (Figure 20), and the user can select a video clip for viewing (Figure 17-20) as taught by Maybury in order to perform searching of video using popular browsing tools to enable more timely and efficient communication and storage of multimedia data (Column 2, lines 42-54) as disclosed by Maybury.

Regarding Claim 34, Bergen and Menard disclose all the limitations of Claim 33. Bergen and Menard are silent on identifying portions of subtopics of the video shows and the user selecting one of the subtopics for viewing. Maybury discloses a system that receives video segments (Figure 1, 170), a software client or Broadcast News

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Navigator (BNN) (Figure 1, 200) installed on a device of a user (Column 16, lines 35-47, Column 5, lines 31-45), the graphical user interface interacting with the BNN for inputting the such terms (Column 16, lines 48-56, Figure 22) and the user selecting via the BNN for the video segments (Figure 17). Maybury discloses that the BNN presents identifying portions of the subtopics of the video show or clip, where the user can select one of the subtopics or searching new stories in a particular time and looking through the different occurrences and popular subtopics (Column 16, lines 48-56, Figure 18). Therefore, it would have been obvious to one of ordinary skill in the art to modify Bergen in view of Menard to include the BNN presents identifying portions of the subtopics of the video show or clip, where the user can select one of the subtopics or searching new stories in a particular time and looking through the different occurrences and popular subtopics (Column 16, lines 48-56, Figure 18) as taught by Maybury in order to perform searching of video using popular browsing tools to enable more timely and efficient communication and storage of multimedia data (Column 2, lines 42-54) as disclosed by Maybury.

Regarding Claim 35, Bergen and Menard disclose all the limitations of Claim 33. Bergen discloses that discrete components or attributes of a customized show are automatically combined (Column 10, lines 31-52, figure 8, 870) for continuous delivery of the customized video to the user (Column 10, lines 31-53, Column 15, lines 58-67, Column 15, lines 1-6, Figure 8, 870). Bergen and Menard are silent on streaming content to the user. Maybury discloses that the user requests for particular topics and the customized video clip or clips are streamed to the user (Column 17, lines 16-19).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Bergen in view of Menard to include user selecting a video clip or segment and the streaming of the video to the user (Column 17, lines 16-19) as taught by Maybury in order to for the user to receive the video presentation as quickly as possible.

Regarding Claim 36, Bergen and Menard disclose all the limitations of Claim 33. Menard discloses that the user is connected to the Internet to perform the search. Bergen and Menard do not explicitly disclose that the user interface is a web page. Maybury disclose that the user interface is a web page (Column 16, lines 36-46). Therefore, it would have been obvious to one of ordinary skill in the art to modify Bergen in view of Menard to include the user interface is a web page (Column 16, lines 36-46) as taught by Maybury in order to perform searching of video using popular browsing tools to enable more timely and efficient communication and storage of multimedia data (Column 2, lines 42-54) as disclosed by Maybury.

Regarding Claim 40, Bergen and Menard disclose all the limitations of Claim 33. Bergen discloses that the customized video presentation (Column 10, lines 31-53, Column 15, lines 15, lines 58-67, Column 15, lines 1-6, Figure 8, 870) is delivered to the user over a network (Figure 1, 160). Bergen and Menard are silent on the streaming of the presentation. Maybury discloses that the user requests via a search on the BNN (Figure 16) and the customized video clip or clips are streamed to the user (Column 17, lines 16-19). Therefore, it would have been obvious to one of ordinary skill in the art to modify Bergen in view of Menard to include user selecting a video clip or segment and

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the streaming of the video to the user (Column 17, lines 16-19) as taught by Maybury in order to for the user to receive the video presentation as quickly as possible.

9. Claims 9, 30, 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergen in view of Menard as applied to claim 1, 21 and 33 above respectively, and further in view of Goodman et al (US 2002/0152477 and hereafter referred to as "Goodman").

Regarding Claims 9 and 30, Bergen and Menard disclose all the limitations of Claims 1 and 21 respectively. Bergen discloses that the customized program is assembled or becomes available and then delivered to the user (Figure 8, 870). Bergen and Menard are silent on the predetermined program schedule. Goodman discloses a system for transmitting programs to the user (Figure 1, Figure 2). Goodman discloses programs are delivered in a carousel or cyclic manner or repeated manner or periodically or at a predetermined schedule via modules to the user (Page 1, paragraph 0009, Page 2, paragraph 0021, Page 4, paragraph 0037). Merriam-Webster's Collegiate Dictionary 10th edition defines periodic as occurring or recurring at regular intervals. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bergen in view of Menard to include programs are delivered in a carousel or cyclic manner periodically or at a predetermined schedule via modules to the user (Page 1, paragraph 0009, Page 2, paragraph 0021, Page 4, paragraph 0037) as taught by Goodman in order to conserve memory at the set top box (Page 1, paragraph 0008) as disclosed by Goodman.

Regarding Claim 43, Bergen and Menard disclose all the limitations of Claim 41. Bergen discloses that the customized program is delivered to the user (Figure 8, 870). Menard discloses the user requests for customized segments (Column 3, lines 15-59) and that the customized segments are delivered to the user as they become available (Column 3, lines 53-59). Bergen and Menard are silent on the periodic delivery. Goodman discloses a system for transmitting programs to the user (Figure 1, Figure 2). Goodman discloses programs are delivered in a carousel or cyclic manner or repeated manner or periodically via modules to the user (Page 1, paragraph 0009, Page 2, paragraph 0021, Page 4, paragraph 0037). Merriam-Webster's Collegiate Dictionary 10th edition defines periodic as occurring or recurring at regular intervals. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bergen in view of Menard to include programs are delivered in a carousel or cyclic manner periodically or at a predetermined schedule via modules to the user (Page 1, paragraph 0009, Page 2, paragraph 0021, Page 4, paragraph 0037) as taught by Goodman in order to conserve memory at the set top box (Page 1, paragraph 0008) as disclosed by Goodman.

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bergen in view of Menard as applied to claim 1 above respectively, and further in view of Freeman et al (US 2001/0013123 and hereafter referred to as "Freeman").

Regarding Claim 17, Bergen and Menard disclose all the limitations of Claim 1. Bergen and Menard are silent on advertisement interlaced between the segments.

Freeman discloses a system that provides customized program to the user based on user preferences of user profiles (Page 3; paragraphs 0027-0030). Freeman discloses that advertisements could be interspersed between program segments of the customized program (Page 2, paragraph 0016, Page 4, paragraph 0034). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bergen in view of Menard to include advertisements could be interspersed between program segments of the customized program (Page 2, paragraph 0016, Page 4, paragraph 0034) as taught by Freeman in order to order to provide users with program in which he or she is interested (Page 1, paragraph 0008) as disclosed by Freeman.

11. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bergen in view of Menard as applied to claim 33 above, and further in view of Lawler et al (US 5,805,763 and hereafter referred to as "Lawler").

Regarding Claim 38, Bergen and Menard disclose all the limitations of Claim 33. Bergen discloses transmitting a customized program to the user (Figure 8, 870). Bergen and Menard are silent on the user archiving video clips or segments and making available the clips to others in a peer-to-peer network of which the user is a member. Lawler discloses a system that allows a user to request a program for recording (Column 13, lines 8-12). Lawler discloses that the user can tag the program for recording and archiving that program at the server so that the user and other users in the network can share the programming (Column 13, lines 26-38), which reads on the

user archiving the program and making the program available to users of a peer-to-peer network of which the user is a member. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bergen in view of Menard to include the user archiving a program at the server so that the user and other users in the network can share the programming (Column 13, lines 8-12, 26-38) as taught by Lawler in order to allow the user to identify programs for recording at a later time (Column 1, lines 8-13) as disclosed by Lawler.

12. Claims 42, 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergen in view of Menard as applied to claim 41 and 33 above, and further in view of Omoigui (US 2005/0076378).

Regarding Claim 42, Bergen and Menard disclose all the limitations of Claim 41. Menard discloses receiving alert signals of the availability of a program (Figure 3). Bergen and Menard are silent on the requesting of the notification of availability of a program. Omoigui discloses the user using a computer (Figure 1, 102, Figure 2, 142) to enter search and notification requests (Page 5, paragraph 0059). Omoigui discloses that the user can request a notification (Page 5, paragraph 0059). It is necessarily included that the user has a software client to request the notification as the user is using a computer to perform tasks. Therefore, it would have been obvious to one of ordinary skill in the art to modify Bergen in view of Menard to include that user can request a notification via a software client (Page 5, paragraph 0059) as taught by

Omoigui in order to provide users with information in regard to programs including non scheduled program (Page 1, paragraph 0005) as disclosed by Omoigui.

Regarding Claim 44, Bergen and Menard disclose all the limitations of Claim 33. Menard discloses receiving alert signals of the availability of a program via email (Figure 3, Column 5, lines 47-50). Bergen and Menard are silent on the user receiving the pointers identifying a beginning and end portions of the segments of a customized video show. Omoigui discloses a system that allows a user (Figure 1, 102) to search for content in a database via a search server (Figure 1, 106, Figure 3, 106, 210, 214). Omoigui discloses that the user can request a notification identifying the beginning and end portions of the program (Page 4, paragraph 0044) or segment (Page 5, paragraph 0054) in regards to the search via email (Page 5, paragraph 0059). Therefore, it would have been obvious to one of ordinary skill in the art to modify Bergen in view of Menard to include that the user receives data identifying the beginning and end portions of the program (Page 4, paragraph 0044) or segment (Page 5, paragraph 0054) in regards to the search via email (Page 5, paragraph 0059) as taught by Omoigui in order to provide users with information in regard to programs including non scheduled program (Page 1, paragraph 0005) as disclosed by Omoigui.

13. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bergen in view of Menard and Omoigui as applied to claim 44 above, and further in view of Milewski et al (US 6,289,346 and hereafter referred to as "Milewski").

Regarding Claim 45, Bergen, Maybury and Omoigui disclose all the limitations of Claim 44. Bergen, Maybury and Omoigui are silent on the user receiving an email attachment linked to an entire customized video show. Milewski discloses a system that segments different subjects or topics of news program (Column 5, lines 64-67). Milewski discloses that a user can request for a particular program and the server obtains the URL of a stored segment of interest and transmits via email the URL linked to the segment or the user receives a URL linked to the segment of interest or customized program (Column 6, lines 13-22). Therefore, it would have been obvious to one of ordinary skill in the art to modify Bergen in view of Menard and Omoigui to include that the user receives a URL linked to the segment of interest or customized program (Column 6, lines 13-22) as taught by Milewski in order to bookmark programs of interest for future reference and also to search for items of interest (Column 1, lines 5-14) as disclosed by Milewski.

14. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maybury in view of Omoigui and Ellis et al (US 2004/0117831 and hereafter referred to as "Ellis").

Note: Ellis incorporates McKissick et al (US Application 09/378,533 and hereafter referred to as "McKissick") in its entirety.

Regarding Claim 46, Maybury discloses providing a customized video presentation to a user (Figure 17, Figure 18), comprising identifying, in response to a request from the user, clip pointers that identify based on the text associated with video inputs, beginning and end portions of video clips within video inputs or videos or that

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each video identifies the beginning and end portions of a story segment (Column 9, lines 62-67, Column 10, lines 1-4, Column 17, lines 8-19); making the clip pointers available to the user or making beginning pointers to the clips available to the user (Figure 20), and accessing the video segments for delivery to the user a vide clip corresponding to a clip point selected by the user. Maybury discloses that each story segment has duration of the segment sent to the viewer (Figure 19). It is inherent for Maybury to include that the end pointer which identifies the end of clip is made available to the user as the duration of a clip (Figure 19) and a beginning of the clip (Figure 20) is made available to the user so as to allow the user to manipulate between segments or negotiate between clips that have been found due to a text search (Figure 1, Figure 17, Figure 18). Maybury discloses providing a customized video presentation to a user (Figure 17, Figure 18), comprising identifying, in response to a request from the user, clip pointers that identify based on the text associated with video inputs (Column 16, lines 48-57), beginning and end portions of video clips within video inputs or videos or that each video identifies the beginning and end portions of a story segment (Column 9, lines 62-67, Column 10, lines 1-4, Column 17, lines 8-19). Maybury is silent on the pointers are periodically identified to the user according to a predetermined schedule. Omoigui discloses a system that allows a user (Figure 1, 102) to search for content in a database via a search server (Figure 1, 106, Figure 3, 106, 210, 214). Omoigui discloses that the user can request a notification identifying the beginning and end portions of the program (Page 4, paragraph 0044) or segment (Page 5, paragraph 0054, Page 5, paragraph 0059). Omoigui is silent on the predetermined schedule of

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the notification. Ellis discloses that when programs that are requested by the user, the user is notified of the availability of the program (Page 10, paragraph 0134). McKissick discloses that the user is notified via a predetermined schedule of the availability of the program (Figure 19, Figure 20), the notification can identify clip pointer or the start of a requested program (Figure 19, Figure 20, Figure 23). Therefore, it would have been obvious to one of ordinary skill in the art to modify Maybury to include that the user can request or demand a notification identifying the beginning and end portions of the program (Page 4, paragraph 0044) or segment (Page 5, paragraph 0054) as taught by Omoigui in order to provide users with information in regard to programs including non scheduled program (Page 1, paragraph 0005) as disclosed by Omoigui. Therefore, it would have been obvious to one of ordinary skill in the art to modify Maybury in view of Menard to include that the user is notified of the availability of the program (Page 10, paragraph 0134) as taught by Ellis and that the user is notified via a predetermined schedule of the availability of the program (Figure 19, Figure 20) as taught by McKissick incorporated in Ellis in order to provide users with information in notify users of television programs (Page 1, lines 8-10) that they desire to watch but may not have scheduled (Page 3, lines 1-4) as disclosed by McKissick.

15. Claims 47, 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maybury in view of Omoigui and Ellis (with incorporated McKissick) as applied to claim 46, further in view of Menard.

Regarding Claim 47, Maybury, Omoigui and Ellis (with incorporated McKissick) disclose all the limitations of Claim 46. Maybury, Omoigui, and Ellis (with incorporated McKissick) is silent on the user request is received as a portion of an individualized user profile within a database. Menard discloses that a search engine determines a match for a segment in a video to a search initiated by a user (Figure 2, 21, Column 4, lines 28-40). Menard discloses that search engine has user profiles with past searches being stored in the profile and the search engine searching videos for matches (Column 4, lines 26-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bergen in view of Omoigui and Ellis (with incorporated McKissick) to include a video server (Figure 1, 4, Figure 2, 4) determining a length of each video clip or segment by including only portions corresponding to the user criteria (Figure 2, 21) and surrounding portions that relate to the corresponding portions, where the surrounding portions are previous and following sections of a scene (Column 5, lines 20-35) as taught by Menard in order to prevent the user from receiving unwanted broadcast signals (Column 1, lines 64-67) as disclosed by Menard.

Regarding Claim 50, Maybury, Omoigui, Ellis (with incorporated McKissick) and Menard disclose all the limitations of Claim 47. Maybury discloses providing a customized video presentation to a user (Figure 17, Figure 18), comprising identifying, in response to a request from the user, clip pointers that identify based on the text associated with video inputs (Column 16, lines 48-57), beginning and end portions of video clips within video inputs or videos or that each video identifies the beginning and end portions of a story segment (Column 9, lines 62-67, Column 10, lines 1-4, Column

17, lines 8-19), making the clip pointers available to the user or making beginning pointers to the clips available to the user (Figure 20), and the user can select a video clip for viewing (Figure 17-20). Maybury discloses that each story segment has duration of the segment sent to the viewer (Figure 19). Omoigui discloses a system that allows a user (Figure 1, 102) to search for content in a database via a search server (Figure 1, 106, Figure 3, 106, 210, 214). Omoigui discloses that the user can request a notification identifying the beginning and end portions of the program (Page 4, paragraph 0044) or segment (Page 5, paragraph 0054, Page 5, paragraph 0059).

16. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maybury in view of Omoigui and Ellis (with incorporated McKissick) as applied to claim 46, further in view of Bergen.

Regarding Claim 51, Maybury, Omoigui and Ellis (with incorporated McKissick) disclose all the limitations of Claim 46. Maybury discloses that video clips are streamed to a user (Column 17, lines 16-19). Maybury, Omoigui and Ellis are silent on all identified video clips are automatically combined. Bergen discloses a method for delivering a customized video presentation to a user (Figure 8, 870), the method comprising: searching, based on a user search criterion or keywords (Figure 8, 805, 810, Column 10, lines 37-40, Figure 1, 130, Figure 8, 850), video clips or segments are automatically combined for a customized video presentation (Column 10, lines 31-52, figure 8, 870) for continuous delivery of the customized video to the user (Column 10, lines 31-53, Column 15, lines 58-67, Column 15, lines 1-6, Figure 8, 870). Therefore, it

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would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bergen in view of Omoigui and Ellis (with incorporated McKissick) to include video clips or segments are automatically combined for a customized video presentation (Column 10, lines 31-52, figure 8, 870) for continuous delivery of the customized video to the user (Column 10, lines 31-53, Column 15, lines 58-67, Column 15, lines 1-6, Figure 8, 870) as taught by Bergen in order to provide scene based video information to a user (Column 2, lines 29-31) as disclosed by Bergen.

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH
October 26, 2006


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